

CONNECTION ACTION INCLUSION

ANTI-BULLYING & ONLINE SAFETY PROGRAMME
for students in Primary School

**INTIMATE IMAGES -
LEGAL CONSEQUENCES**



Intimate Images - Legal Consequences

Sharing of intimate images without consent - Legal consequences

There are 2 separate criminal offences for the making or sharing of intimate images that cause harm. Harm can take many forms but includes anything which seriously interferes with the victim's peace or privacy, or which causes alarm or distress.

1. Intent to cause harm

The first, more serious offence is distributing, publishing or threatening to distribute or publish an intimate image without consent and with the intent to cause harm or being reckless as to whether harm is caused (knowing but not necessarily intending for harm to be caused). This is sometimes known as revenge porn.

If you are **found guilty of this offence**, you can be sentenced to a **class A fine** or a **maximum prison term** of 12 months or both in the **District Court**. More serious versions of the offence can be prosecuted in the **Circuit Court** such as where a large number of intimate images are released or where the intimate images are shared to a wide audience. If you are found guilty of this offence in the Circuit Court, you can be sentenced to an unlimited fine or maximum prison term of 7 years or both.

2. No specific intent to cause harm

The second, less serious offence is recording, distributing or publishing an intimate image without consent even if there was no specific intent to cause harm. This offence would cover situations such as sharing intimate images of someone you do not know.

For example, you may receive an intimate image of a person you do not know in a social media message. If you republish that image without the permission of the subject, you could be liable for prosecution under this offence, even if you did not intend to cause harm to the person in the image.

If you are found guilty of this offence, you can be sentenced to a class A fine or a maximum prison term of 12 months or both in the **District Court**.

Prosecution of children

If a person is prosecuted for these criminal offences, the alleged victim is granted anonymity - this means that they cannot be named or identified.

Unless a court allows the publication of the identity of the alleged victim, any person who names or publishes any information likely to identify the alleged victim may also be prosecuted for a criminal offence.

If you are found guilty of the offence of identifying an alleged victim, you can be sentenced to a class B fine or maximum prison term of 12 months or both in the District

Court. If you are found guilty of this offence in the Circuit Court, you can be sentenced to an unlimited fine or a maximum prison term of 3 years or both.

Coco's Law

Ireland now has laws that make sharing or threatening to share someone's nudes without their consent a crime. The punishment for this crime includes:

- An unlimited fine and/or up to seven years in prison if you meant to cause harm to the victim by sharing or threatening to share their nudes without their consent
- A maximum €5,000 fine and/or up to 12 months in prison if you did not mean to cause harm by sharing or threatening to share someone's nudes without their consent

These laws apply even if the person initially gave consent for the picture to be taken, but they were later shared with other people without their consent.

Under the age of 18

Remember, if your child is under 18, a sexual image of them will be considered child exploitation material. This means that they and the person they send it too could be in some very serious trouble.

Having a sexual picture or video of someone under 18 years of age, and sending that picture to other people, is illegal and can lead to criminal prosecution. Penalties can include jail time, a fine, and being added to the sex offenders register for at least two and a half years.

References

https://www.citizensinformation.ie/en/justice/criminal_law/criminal_offences/sharing_of_intimate_images_without_consent.html

<https://spunout.ie/life/abuse/revenge-porn>